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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,440	06/22/2005	Alexandre Paviot	05050	4822

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ALEXANDRIA, VA 22314

EXAMINER

SMITH, CHAIM A

ART UNIT	PAPER NUMBER
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4132

MAIL DATE	DELIVERY MODE
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12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/530,440

Applicant(s)

PAVIOT, ALEXANDRE

Examiner

CHAIM SMITH

Art Unit

4132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/07/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 8 In 27 fig. 2 is referenced. The reference numbers in the paragraph are shown in fig. 3. The use of the trademark EXXON has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. On page 10 In 25 a friction reducing additive 252 CH is referenced. It is unknown what the product is.
2. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.
3. There are no headings in the specification. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.

- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
 - (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
 - (g) BRIEF SUMMARY OF THE INVENTION.
 - (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
 - (i) DETAILED DESCRIPTION OF THE INVENTION.
 - (j) CLAIM OR CLAIMS (commencing on a separate sheet).
 - (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Regarding claim 1 wherein there is packaging “with at least one lateral compartment (6)” and a means is placed “in each lateral compartment”. It is unclear whether or not applicant is claiming one or more than one lateral compartment to be present in the packaging. Further clarification is required.
7. Regarding claim 3, claim element “means for holding the temperature in each lateral compartment, namely a cold or heat accumulator” is a means (or step) plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function. The specification fails to

clearly and distinctly disclose the specific materials intended to be used as a cold or heat accumulator.

Applicant is required to:

- (a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or
- (b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or act to the claimed function without introducing any new matter (35 U.S.C. 132(a)); or
- (c) State on the record where the corresponding structure, material, or acts are set forth in the written description of the specification that perform the claimed function. For more information, see 37 CFR 1.175(d) and MPEP 2181 and 608.01(o).

8. Regarding claim 9, the claim is vague and indefinite in that the metes and bounds of the phrase "particularly food or similar" are unclear. The phrase is unclear in two ways. First the word ' particularly makes it unclear as to if and when the limitations that follow are necessarily limitations for the claimed invention. Secondly the term 'similar' is a subjective term and is not explicitly defined in the instant specification. Therefore one of ordinary skill in the art would not understand what degree of similarity would be required for a given product to infringe the claim. Further clarification is required. Further regarding claim 9, if only three sheets are to be present it is unclear how two inner sheets could delimit a sealed central compartment since there would only be one inner sheet. Further clarification is required.

9. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 21 recites the broad recitation "between 800 and 1200 ml/min", and the claim also recites "preferably on the order of 910 ml/min" which is the narrower statement of the range/limitation. Further, claim 22 recites the broad recitation "between 0.25 and 0.35", and the claim also recites "preferably on the order of 0.3" which is the narrower statement of the range/limitation.

10. Regarding claim 25, it is unclear whether the term "preferably" indicates that a low density polyethylene is or is not required to be present. Examiner has interpreted this to mean that any heat sealable plastic could be present.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 1 - 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzou JP 06 183463, see English machine translation and JPO English abstract.

14. Regarding claim 1 Katsuzou teaches a conditioning method for perishable products with a preservation temperature (fish body, JPO English abstract), using a heat sealable packaging with two transverse edges and two longitudinal edges (fig. 1) comprising the steps of making a heat sealable packaging (sealed joint of three sides, machine translation paragraph [0008]) comprising a central compartment (fig. 1, ref. # 2) bonded with at least one lateral compartment (fig. 1, ref. # 1 and 1'), the compartments being sealed on three of their sides (fig. 1), and placing a perishable product (fish body, JPO English abstract) inside the central compartment (fig. 1 and 2 ,

ref. # 3). A means (water, JPO English abstract) is placed in each lateral compartment for keeping the perishable product at its preservation temperature, and seal the fourth side of the compartments (sealing treatment, JPO English abstract) so as to simultaneously close the compartments so as to form a sealed packaging with a central compartment sealed with respect to each lateral compartment (JPO English abstract and fig. 2).

15. In the instant application a means for keeping the perishable product at its preservation temperature is disclosed (specification, page 6 ln 11 – 14) wherein said means is ice. Katsuzou also teaches the use of ice in order to keep a perishable product at its perseveration temperature (JPO English abstract). The means for keeping the perishable product at its preservation temperature is placed into each lateral compartment first and then the perishable product is placed in the central compartment. Katsuzou however teaches placing the perishable product inside the central compartment first and then placing the means for keeping the perishable product at its preservation temperature in the lateral compartments. Selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results (MPEP § 2144.04 IV C). Therefore it would have been obvious to one of ordinary skill in the art to reverse the order of the steps and place the means for keeping the perishable product at its preservation temperature into the lateral compartment prior to placing the perishable product into the central compartment. The order in which these steps are performed will produce the same material result in that the perishable product will kept at its perseveration temperature.

16. Regarding claims 2 and 3, Katsuzou teaches that the heat sealable packaging is made which comprises two lateral compartments extending on each side of the central compartment (rectangular bags 1 and 1', JPO English abstract) and a means for holding the temperature is placed in each lateral compartment, namely a cold or heat accumulator (water which is then frozen, JPO English abstract).

17. Regarding claim 4, it would be reasonable to expect that the water or ice in each lateral compartment of Katsuzou would act as a thermal insulation.

18. Regarding claim 8, Katsuzou places water into the lateral compartments of the packaging which is then frozen to form ice (JPO English abstract and page 2, paragraph [0008]).

19. Claims 5, 9 – 14, 16 - 18 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzou JP 06 183463 in view of Paviot FR2,775,252.

20. Katsuzou is relied upon with respect to the rejection of claims 1 and 2 as set forth above. Regarding claim 5, Katsuzou does not teach the packaging as being made from a wrapping comprising a central compartment extending between two lateral compartments which is cut to the approximate length of a perishable product and assembled along a transverse edge such that the three compartments are accessible from the opposite transverse edge.

21. Paviot, however teaches a heat sealable packaging in the form of a wrapping comprising a central compartment (a rolled sheath) (page 4, ln 33 – 35). The wrapping is cut to an appropriate length to contain the perishable product (fish) to be packaged (page 5, ln 25 – 27) and assembled along a transverse edge such that the compartment

is accessible from the opposite transverse edge (page 6, ln 3 -5). Paviot further teaches that this method allows the packaging to be adapted to the size of the product to be packed thereby avoiding unnecessary waste (page 2, ln 8 - 10). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to have made the packing of Katsuzou as a wrapping as taught by Paviot in order to adapt the packaging to the size of the product to be packed. One of ordinary skill in the art would have been motivated to do so in order to avoid unnecessary waste of the packaging material.

22. Regarding claims 9 – 12, 16, and 17, Katsuzou teaches a heat sealable package with two transverse edges and two longitudinal edges in which four heat sealable sheets are superposed. The sheets are assembled at their longitudinal edges. Two inner sheets define a sealed central compartment between them into which a perishable product would fit. The outer sheets form a leak tight thermal barrier that work with the inner sheets (sealing bonded, JPO English abstract) to form lateral compartments which can contain a means (water/ice, JPO English abstract) of holding the perishable product at its preservation temperature. The lateral compartments are on each side of the central compartment (JPO English abstract, page 2 paragraph [0008], and fig. 1 and 2). Katsuzou does not teach the use of composite sheets or a specific layering such as plastic - paper - plastic with an outer aluminum layer, that the packaging is a wrapping, or that the wrapping is cut to the required length to contain the perishable product to be packaged.

23. Paviot, however, teaches a heat sealable packaging into which a perishable product would fit, which is made from composite sheets (page 4, ln 13 - 14) wherein the composite sheets are made from a paper / plastic composite material and each sheet comprises an outer aluminum layer (page 3, ln 13 – 18). Paviot further teaches that the packaging is in the form of a wrapping (a rolled sheath) (page 4, ln 33 – 35), that the sheets are assembled along longitudinal edges (page 3, ln 10 – 13) and the wrapping is cut to the required length to contain the perishable product to be packaged (page 5, ln 26 – 29).

24. Paviot further teaches that the use of composite sheets provides strength (mechanical resistance) (page 4, ln 21—22) to the packaging. It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to have made the packaging of Katsuzou using the composite sheets as taught by Paviot in order to provide strength to the packaging. One of ordinary skill in the art would have been motivated to do so in order to receive the expected benefit a stronger package would provide during the packing process.

25. Still further Paviot teaches that the use of a wrapping allows the packaging to be adapted to the size of the product to be packed thereby avoiding unnecessary waste (page 6, ln 23 – 24). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to have made the packaging of Katsuzou from a wrapping as taught by Paviot in order to be able to adapt the packaging to the size of the product to be packed. One of ordinary skill in the art would have been motivated to

do so in order receive the expected benefit of cost savings that would be realized by reducing unnecessary waste of the packaging material.

26. Further regarding claims 9 and 10, in the instant application a means for keeping the perishable product at its preservation temperature is disclosed (specification, page 6 ln 11 – 14) wherein said means is ice. Katsuzou also teaches the use of ice in order to keep a perishable product at its perseveration temperature (JPO English abstract).

27. Regarding claim 13, Paviot further teaches a packaging that is sealed along a transverse edge such that the three compartments would be accessible from the opposite transverse edge because Paviot teaches that one transverse edge may be sealed prior to placing the perishable product into the packaging thereby allowing the compartments to be accessed from the opposite transverse edge (page 6, ln 3 – 5). Regarding claim 14, Katsuzou further teaches that the package is sealed along its second transverse edge after the perishable product has been inserted in the central compartment and the means for holding the temperature have been inserted in the lateral compartments (JPO English abstract). In the instant application a means for holding the temperature is disclosed (specification, page 6 ln 11 – 14) wherein said means is ice. Katsuzou also teaches the use of ice in order to keep a perishable product at its perseveration temperature (JPO English abstract).

28. Regarding claim 18, Paviot further teaches that each composite sheet comprises a layer of aluminum, a layer of heat sealable material (low density polyethylene), a paper layer, and a further heat sealable layer (page 3, ln 13 – 18). Still further Paviot teaches that the aluminum layer is not required to be present, that it is sufficient that the

material be heat sealable (page 7, ln 6 – 9). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the composite sheet without an aluminum layer as taught by Paviot in order to form the surface of the central compartment. One of ordinary skill in the art would have been motivated to do so in order to provide a composite sheet with a heat sealable surface to make a heat sealable packaging.

29. Regarding claim 25, Katsuzou further teaches that each heat sealable layer is made from a plastic material (JPO English abstract).

30. Claims 6, 7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzou JP 06 183463 in view of Paviot FR 2,775,252 further in view of Luigi EP0301148.

31. Regarding claims 6 and 7 Katsuzou in view of Paviot is relied upon with respect to the rejection of claims 1 and 2 as set forth above. Katsuzou does not teach the packaging as being made from a wrapping comprising a lateral compartment which is folded along a transverse edge and assembled along at least two longitudinal edges to form the central compartment and the two lateral compartments.

32. Paviot, however teaches a heat sealable packaging in the form of a wrapping comprising a lateral compartment (a rolled sheath) (page 4, ln 33 – 35). Paviot further teaches that this packaging can be adapted to the size of the product to be packed thereby avoiding unnecessary waste (page 2, ln 8 – 10).

33. Luigi teaches the folding of two sheets of heat sealable material that are stacked on each other, folded along a transverse edge and assembled along at least two

longitudinal edges to form compartments. Luigi further teaches that this is done to easily manufacture a package that has a central compartment and two lateral compartments (page 2, col. 2, ln 11 - 18).

34. It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to combine the package of Katsuzou with the teachings of Paviot and Luigi to make the packaging by folding a wrapping consisting of a central compartment along a transverse edge and sealing the longitudinal edges to form a central compartment and two lateral compartments. Further regarding claim 7, it would be expected that in order to package a perishable product one would necessarily have to cut the wrapping to a length approximately twice the length of the product to be packaged. One of ordinary skill in the art would have been motivated to do so in order receive the expected benefits of easily making the package while avoiding the unnecessary waste of material.

35. Regarding claim 15, Katsuzou in view of Paviot does not teach the packaging as being made from a wrapping comprising a lateral compartment folded along a transverse edge and assembled along two longitudinal edges.

36. Paviot, however, teaches a heat sealable packaging in the form of a wrapping comprising a lateral compartment (a rolled sheath) (page 4, ln 33 - 35). Paviot teaches that this packaging can be adapted to the size of the product to be packed thereby avoiding unnecessary waste (page 2, ln 8 - 10).

37. Luigi teaches the folding of two sheets of heat sealable material that are stacked on each other, folded on a transverse edge and assembled along at least two

longitudinal edges. Luigi teaches that this simplifies the manufacturing process for the packaging (page 2, col. 1, ln 36 – 37).

38. It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to combine the package of Katsuzou in view of Paviot with the teachings of Luigi to make the packaging by folding a wrapping consisting of a lateral compartment along a transverse edge and sealing the longitudinal edges to form the packaging. One of ordinary skill in the art would have been motivated to do so in order to receive the expected benefits of easily making the package while avoiding the unnecessary waste of material.

39. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzou JP 06 183463 in view of Paviot FR 2,775,252 Katsuzou JP 06 183463 in view of Paviot FR 2,775,252 as applied to claim 9 above, and further in view of Hazelton USPN 4,769,261.

40. Regarding claim 23, Katsuzou in view of Paviot is relied upon with respect to the rejection of claim 9 as set forth above. Katsuzou in view of Paviot does not teach the heat sealable layer as being made by extrusion or co-extrusion of polymers.

41. Hazelton, however, teaches the use of co-extrusion to form the inner heat seal layer of a composite sheet (multilayer film) for use in a food packaging (col. 2, ln 14 - 29). Hazelton further teaches that the use of this co-extruded heat seal layer provides for packaging with high impact strength (col. 2, ln 50 – 53). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to have made the packaging of Katsuzou in view of Paviot with an extruded composite sheet as taught

by Hazelton in order to increase the impact strength of the packaging.¹¹¹ One of ordinary skill in the art would have been motivated to do so in order to provide greater strength to the finished packaging.

42. Claims 19 - 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzou JP 06 183463 in view of Paviot FR 2,775,252 as applied to claim 9 above, and further in view of Zuser USPN 6,200,663.

43. Regarding claims 19 - 22, Katsuzou in view of Paviot is relied upon with respect to the rejection of claim 9 as set forth above. Regarding claims 19 – 22, Katsuzou in view of Paviot does not teach a roughness value or coefficient of friction with the packaging material.

44. Zuser, however, teaches the application of a rough imprint (col. 1, ln 56 – 60) surface to the interior of a packaging (packaging element). Zuser teaches that a rough surface is applied to the surface to prevent the packaging from sticking together and to facilitate the separation of the packaging (removal from a stack) during the packing process (col. 1, ln 34 – 48). With respect to the coefficient of friction it is a property of the interface between two materials and is determined by the surface and therefore will vary with roughness. Zuser recognizes that surface roughness, and the coefficient of friction by association, is a result-effective variable with respect to the easy separation of composite sheets (col. 1, ln 41 – 43). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the surface roughness of the composite sheet in the packaging of Katsuzou in view of Paviot as suggested by Zuser to make the package easier to open. One of ordinary skill in the art would have been

motivated to do so in order to provide easily separatable sheets for the packaging compartments. Where the general conditions of a claim are disclosed in the prior art, as they are by Zuser, it is not inventive to discover the optimum or workable ranges by routine experimentation. See MPEP § 2144.05 II A.

45. Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuzou JP 06 183463 in view of Paviot FR 2,775,252 as applied to claim 9 above, and further in view of Climenhage USPN6416833.

46. Regarding claim 24, Katsuzou in view of Paviot is relied upon with regards to the rejection of claim 9 as set forth above. Regarding claim 24, Katsuzou in view of Paviot does not teach that each heat sealable layer includes at least one friction reducing additive.

47. Climenhage, however, teaches the addition of a friction reducing additive (slip) to a composite sheet (film pouch) and that the use of these additives is common and known to those skilled in the art (col. 6, ln 66 – col. 7, ln 7). Climenhage further teaches the use of these additives in formulations to reduce physical damage to packaging materials (col. 8, ln 64 – 67). It therefore would have been obvious to one of ordinary skill in the art at the time of the invention to have added an anti friction additive to the heat sealable layers as suggested Climenhage in order to reduce physical damage to the packaging. One of ordinary skill in the art would have been motivated to do so order to reduce physical damage to the packaging during packaging and distribution.

Conclusion

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48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAIM SMITH whose telephone number is (571)270-7369. The examiner can normally be reached on Monday-Thursday 7:30-5:00.

49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Lavilla can be reached on 571-272-1539. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. S./
Chaim Smith
Examiner, Art Unit 4132
11/24/2008

/Alicia Chevalier/
Primary Examiner, Art Unit 1794